

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES M. SEBERO,

Defendant,

CR-08-185-JLQ

**FINAL ORDER OF
FORFEITURE**

WHEREAS, on August 19, 2010, this Court entered an Amended Preliminary Order of Forfeiture (Ct. Rec. 98), based upon the Plea Agreement (Ct. Rec. 19) entered into between Defendant James M. Sebero and the United States on April 6, 2009, in the within criminal action for wire fraud violations, which Order forfeited the Defendant's interest in certain properties;

WHEREAS, the United States caused notice of this forfeiture to be published and served in accordance with the requirements of Federal Rule of Criminal Procedure 32.2(b)(6), including publication on an official government internet site (www.forfeiture.gov), beginning November 30, 2009, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and as required by Rule 32.2(b)(6)(C) of the Federal Criminal Rules of Procedure;

1 WHEREAS, the Petition of Patricia Sebero for a Hearing to Adjudicate
2 Property Interests Per 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(n) (Ct. Rec. 51)
3 was filed on September 24, 2009, in which Patricia Sebero made claims as to the
4 following properties:

- 5 a. \$30,000 in lieu of Real Property located at 39 Conrad Vista
6 Shores, LaClede, Bonner County, Idaho; and
- 7 b. Real Property located at 9713 N. Austin Lane, Spokane,
8 Spokane County, Washington, being Parcel No. 26134-1226;

9 WHEREAS, an Agreement for Settlement of Claims of Petitioner Patricia
10 Sebero (Ct. Rec. 91) was filed on May 21, 2010, and approved by Order of the
11 Court (Ct. Rec. 92) on June 11, 2010, wherein \$10,000 of the \$30,000 proceeds
12 from the sale of the real property located at 39 Conrad Vista Shores, LaClede,
13 Bonner County, Idaho was returned to Petitioner Patricia Sebero, and wherein
14 Petitioner Patricia Sebero agreed to pay the United States the sum of \$80,000 in
15 lieu of the forfeiture of the real property located at 9713 N. Austin Lane, Spokane,
16 Spokane County, Washington, or in lieu of the \$80,000 payment, \$70,000
17 payment if paid by September 30, 2010, and payment of \$70,000 was received by
18 the United States from Petitioner Patricia Sebero on or about September 30, 2010;

19 AND WHEREAS, no other timely claim has been filed as to the property
20 and property interests named herein.

21 NOW THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED
22 that the United States Marshals Service shall forthwith seize the property to be
23 forfeited, not heretofore seized, which is described below, and dispose of it as
24 provided in this final order and in accordance with the law.

25 IT IS FURTHER ORDERED , ADJUDGED and DECREED:

26 That all right, title and interest to the property to be forfeited, described
27

below, whether real, personal, or mixed, is hereby condemned, forfeited, and vested in the United States, its agents and/or designees, and that no claim of interest in said property shall exist in any other person or entity, and that said property shall be disposed of according to law.

FORFEITED PROPERTY

A. \$20,000.00 in lieu of Real Property located at 39 Conrad Vista Shores, Laclede, Bonner County, Idaho, being Parcel No. RP000-740-000030, and more particularly described as:

31-56N-3W CONRAD VISTA LOT 3 SHORES

B. \$70,000.00 in lieu of Real Property located at 9713 N. Austin Lane, Spokane, Spokane County, Washington, being Parcel No. 26134-1226, and more particularly described as:

Lot 26, Block 1, Subdivision: Northview Estates 1st

Addition; Recorder's Map Reference: MB 32 PG 20-23.

C. Conveyances: All right, title and interest in the following conveyances:

1. 1918 Chevrolet Truck
Model 490 Number 19
Montana License: 42548
2. 1991 Dynasty Elan Assault Boat
Registration No. ID 1955X
3. 1992 Calkins Boat Trailer
Idaho License: 314BHC
with powerwinch VIN# 1CXBB226NS202238
4. 1981 Mercedes Benz 380 SL Roadster
VIN: WDBBA45A0BB001556

D. Personal Property:

1. Bronze Statue "Mountain Man" on Marble Base
by Frederic Remington

- 1 2. Red Mac Tool Box, 4 ½' x 7'
2 Model Nos. MD1300GR and MB1360GR, and contents

3 IT IS FURTHER ORDERED that the United States Marshals Service shall
4 sell the above listed conveyances and personal property and pay Third-Party
5 Petitioner Patricia Sebero, in care of her attorney Greg M. Devlin, Winston &
6 Cashatt, 601 Riverside, Ste. 1900, Spokane, Washington 99201, fifty percent
7 (50%) of all net proceeds of said sales.

8 IT IS FURTHER ORDERED that any and all forfeited funds, including but
9 not limited to currency, currency equivalents and certificates of deposit, as well as
10 any income derived as a result of the United States Department of Justice's
11 management of any property forfeited herein, and the proceeds from the sale of
12 any forfeited property, after the payment of costs and expenses incurred in
13 connection with the forfeiture, sale and disposition of the forfeited property, shall
14 be deposited forthwith by the United States Department of Justice into the Justice
15 Asset Forfeiture Fund in accordance with 28 U.S.C. §524(c) and 21 U.S.C. §
16 881(e).

17 IT IS FURTHER ORDERED that the United States District Court shall
18 retain jurisdiction in the case for the purpose of enforcing this Order and as to
19 related forfeiture matters herein.

20 IT IS FURTHER ORDERED that all parties shall bear their own costs and
21 fees.

22 The Clerk shall enter this Order, forward copies to counsel and the United
23 States Marshal, and close this file.

24 Dated January 6, 2011.

25 s/ Justin L. Quackenbush
26 JUSTIN L. QUACKENBUSH
27 SENIOR UNITED STATES DISTRICT JUDGE